

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF DECEMBER 28, 2004.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7), Rob Stevenson (District 8)

ABSENT: Bobby Badeaux (District 1)

COUNCIL STAFF: Norma Dugas (Clerk of the Council) and Veronica Williams (Assistant Clerk)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Finance Manager/Associate CAO), Gail Smith (Director of Administrative Services), Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Terry Huval (Director of Utilities), Melanie Lewis (Director of Community Development), Tom Carroll (Director of Public Works), Pat Ottinger (City-Parish Attorney), Lucius Broussard (Traffic Engineering), Boyd Boswell (Public Works Environmental Quality Manager), Eleanor Bouy (Director of Planning, Zoning & Codes), Rebekke Raines (Planning Manager), Mike Hebert (Assistant City-Parish Attorney)

COMMENCEMENT

AGENDA ITEM NO. 1: Call to order.

Chair Randy Menard called the Regular Council Meeting of December 28, 2004 to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Bruce Conque was called upon to deliver the invocation and lead the Pledge of Allegiance.

ANNOUNCEMENTS

Chair Menard announced that Councilmember Bobby Badeaux would be out of town and would not be present at the meeting, there would be a Regular Council meeting on January 4 and, finally, a Council Briefing on January 11 to discuss the smoking ordinance.

AGENDA ITEM NO. 3: EXECUTIVE/PRESIDENT’S REPORT

There was no report from the President.

APPEAL

AGENDA ITEM NO. 4: Appeal of Planning Commission action regarding Hamlet Subdivision. A substitute motion to remand the issue to the Planning Commission for clarification of the Commission’s intention was made by Conque, seconded by Benjamin, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Conque, Stevenson

NAYS: Broussard, Mouton, Menard

ABSENT: Badeaux

ABSTAIN: None

Substitute motion to remand to the Planning Commission for clarification of the Commission’s intention was approved.

Rebekke Raines, Planning Manager, provided a brief overview of the appeal, stating that a request was made for preliminary plat approval of a 6.7 acre piece of property being subdivided into 6 lots located off of Cue Road in the unincorporated area of Lafayette Parish. Raines added that a condition of plat approval was that a note must be placed on the plat stating, “This platted property is located in the Study Corridor for a future Major Collector connecting Cue Road to

Kaliste Saloom Road. This planned Major Collector may have a direct or indirect impact on these lots/parcels.” During the October 11, 2004 Planning Commission meeting, the Commission expressed concern that the property owners purchasing the lots may not be fully aware of the proposed extension of Kaliste Saloom Road and the impact that it may have on their lots. To provide additional information to the purchasers, the Commission added a requirement to the condition that stated, “In addition, at the time of the issuance of a building permit, the property owner will be required to sign an affidavit indicating that they are aware of the possible impact that this proposed extension may have on their property.” The applicant has appealed this condition.

The adoption of the 1997 Consolidated Thoroughfare Plan included that a notation could be placed on the final plat indicating that the future corridor may have an impact on the lots within the development. The intent of placing an additional notation on the building permit is to provide an additional note to the purchaser.

Gary Lamson, (the developer) and John Hughes (attorney representing the applicant, W.P. Mills) stated that the only issue being appealed was the condition requiring that the property owner sign an affidavit, which was included in Condition #9. They further expressed concern that the notation would be added to the building permit, as well. Stevenson stated that he thought this measure was a good mechanism of further informing property owners. Lamson expressed concern that the lots would be difficult to sell because there were three routes and a route for the corridor had not been selected.

Broussard stated that he understood both sides of the argument and asked why the recommendation was made to place the notation on the permit, when in the past it had only been placed on the plat. Assistant City-Parish Attorney Jeremy Hebert responded that placing the notation on the building permit was a Commission decision as members wanted to ensure another way of providing information to property owners that would make them aware of potential impact of future corridors. Inasmuch as most property is bought from a developer by a contractor, Bourgeois stated that there were no guarantees that the property owners would get the information passed to them in the event the building permit was issued to a contractor.

Conque stated that he attended the Planning Commission meeting and reiterated that the Commission simply wanted to make the purchaser aware of what could happen in the future. Lamson stated that the applicant did not have a problem placing a notation on the plat; however, the problem was with placing a notation on the building permit.

Broussard then made a motion, seconded by Mouton to grant the appeal and strike the following *italicized* language under Condition #9 which states: “*In addition, at the time of issuance of a building permit, the property owner will be required to sign an affidavit indicating that they are aware of the possibility of the impact that this proposed extension may have on their property.*” A vote was not taken on this motion as a substitute motion was made.

Menard asked if a contractor was issued the building permit, if he was legally required to give notice to the owner of the house and City-Parish Attorney Pat Ottinger responded that the contractor would have to disclose the information included on the permit. Conque then made a substitute motion to remand the issue to the Planning Commission for clarification of the Commission’s intention. The substitute motion was approved. Mouton asked that the Councilmembers be contacted when the Hamlet appeal would be on the Commission’s agenda and Eleanor Bouy, Planning, Zoning & Codes Director, responded that this issue could be placed on the January 10, 2005 meeting agenda. Bouy stated that the applicant would not have the pay the \$100.00 fee for reconsideration of the appeal. Benjamin requested that Ottinger draft an ordinance that would address the \$100.00 fee for appeals.

AGENDA ITEM NO. 5: Recognize John A. and Layne St. Julien for discussion of the digital divide issue. Mr. & Mrs. St. Julien addressed the Council in favor of the digital divide. Mr. St. Julien stated that bridging the digital divide would provide LCG an opportunity to make a difference and make the community thrive as a whole. It would also provide all people of the community with a good resource. Mrs. St. Julien then addressed the Council and offered general principles that needed to be included in the plan with making fiber visible to all persons in the community an important aspect. She further stated that solutions needed to be included in the plan and the plan should be on-going and not a one-shot attempt.

Benjamin suggested that the plan include an education component and be a long-term action plan with clearly identified goals. President Joey Durel stated that the digital divide issue is one of the

largest priorities the Administration has with reference to providing fiber-to-the-home. The project would need to be done first and then the digital divide would be paralleled into the plan. Durel announced that Lafayette would be featured on the front page of *USA Today* in a story about the Fiber project and congratulated the St. Julien's on being visionaries.

Williams stated that the digital divide issue could be addressed in many ways and the project should not be a secondary plan. The solution and plan have to be an integral part of what happens in the implementation process. For him, voting on the final stage of the Fiber project would depend largely on how the digital divide issue is addressed. He requested that the issue stay in the forefront of discussions for the Fiber project.

AGENDA ITEM NO. 6: Update on Hoffpauir Road.

Tom Carroll, Director of Public Works, provided an update on acquiring rights-of-way for both phases of the project. The property owners were contacted to determine what additional rights-of-way would be given and property owners told Public Works they would give a maximum of 5 feet. The South Central Bell right-of-way concern was also discussed. Broussard stated that residents had expressed concern that LCG would need 5 feet of right-of-way and so would South Central Bell. Broussard requested that Public Works be prepared to provide an update during the February 22 Council meeting agenda.

AGENDA ITEM NO. 7: Update on loitering of minors on Simcoe St.

Williams received a written response from the Police Department with reference to citations issued in the Simcoe Street area. Captain Jackie Alfred stated that the Police Department does have a plan in place to address this issue in the Spring. Ms. Mary Chevalier addressed the Council and stated that there had been tremendous improvements near her club; however, she expressed concern regarding the number of parking citations that were being issued. Williams stated that it is a violation for people to park on the sidewalks and citations have been issued where this problem exists at other club establishments. Patrick Brasseaux thanked the Council for addressing this issue and stated that the problem needed to be addressed in all areas of Lafayette. He suggested that there be more Police officers to enforce the laws and address the ongoing problems in the city.

AGENDA ITEM NO. 8: LUS billing and collections procedures.

Williams stated that he wanted to make people aware of a new policy that is being implemented by Lafayette Utilities whereby if someone living in a household has an unpaid bill balance, the balance could be transferred over to the person identified on the account. Terry Huval, Utilities Director, explained that some customers walk away from an unpaid balance and leaves a bad debt. Thereafter, the customer places their account in another person's name who resides in the household. When this is determined to be the case, that bad debt is transferred to the account where that person resides. Since this policy has gone into effect, LUS has collected approximately 1/3 of the bad debt owed.

AGENDA ITEM NO. 9: Update from the Environmental Quality Division regarding the railroad north of Lafayette to Carencro. Boyd Boswell, Environmental Quality Manager, stated that an ordinance is being drafted that parallels legislation in Eureka Springs, Arkansas. The draft ordinance should be ready within the next three weeks. The legislation would allow the Division to post a sign on the property and place an advertisement in the newspaper that would notify the property owners of issues related to maintenance needs on the abandoned property near the railroad. If the property owner does not come forward and clean the property, EQ would clean up the property. Williams thanked everyone for their involvement in finding a solution to this issue. Patrick Brasseaux signed in to address the Council and passed.

AGENDA ITEM NO. 10: Update on Camellia Green.

Williams stated that the Council voted for a soundwall on Camellia Boulevard and asked for an update. CAO Dee Stanley explained that after meeting with residents, the District 8 representative, Rob Stevenson and members of the private sector, the scope of the project changed. Tom Carroll stated that the initial proposal included a fence. Since then, Public Works has been provided with other possibilities. Buck Abbey is the consultant on the project who will be presenting other options relative to sound abatement in this area. Williams asked what the total cost of the memorial project would be and Carroll responded \$3 million, which would include LCG funds, grant funds (state and federal) and private sector funds.

Stanley stated that Baton Rouge had just acknowledged the grant funds and informing the Council was the next step. Abbey gave a brief overview on how the new project scope evolved, stating that he received a call from a representative of the Miles Perret Foundation regarding a

memorial to cancer survivors on Camellia Boulevard. The \$800,000 in funding appropriated by LCG would be used as a grant match to acquire additional funds and private sector funds would be used to pay for the memorial. A final plan does not yet exist and the total project is estimated to cost \$3 million. Williams thanked everyone for the update and Benjamin requested that Abbey look at grant funding availability for a Martin Luther King Expressway in Lafayette. Benjamin asked what amount of the \$800,000 appropriation for the soundwall remained and Stanley responded approximately \$650,000. Benjamin asked if any other LCG funds were appropriated for this project and Stanley responded negatively.

AGENDA ITEM NO. 11: Distribution of pamphlets and flyers at the Multi-Modal Transportation Facility. Williams requested an update from Legal on how this issue would be addressed. Pat Ottinger, City-Parish Attorney, stated that a set of guidelines has been developed through the Traffic & Transportation Department. The guidelines state that permission should be requested by anyone wishing to post literature. Lucius Broussard, Traffic Engineer, added that anyone wishing to post flyers and/or place pamphlets at the facility should contact Marvin Leonard, Transit & Parking Administrator, at 291-7047.

AGENDA ITEM NO. 12: Trains traveling through Lafayette Parish at a high rate of speed. Williams requested that LCG ask the legislature to change the law on standby time for trains, from 20 minutes to 10 minutes that a train could remain stationary on the track. He further requested that the Federal Railroad Administration be contacted to determine if LCG could regulate the speed at which trains run through the City of Lafayette. Patrick Brasseaux addressed the Council stating that he was unsure whether anything could be done to regulate trains and it was his opinion that efforts should be spent on other issues within the City.

On another note, Williams requested that the Clerk forward a memo to both Fire Chief Robert Benoit and Criminal Justice Support Administrator Marcus Bruno requesting that Lafitte's Hotel be declared a public nuisance and closed down for five years. Williams further requested a report detailing the problems with the hotel as well as the violations issued.

AGENDA ITEM NO. 13: Comments from the public on other matters.

The following citizens signed in and addressed the Council:

- Shelby Williams stated that he was disappointed that the Councilmembers travel budget had increased by 52% and Councilmembers had elected to build an \$8 million golf course. He expressed concern that such decisions were not fiscally responsible. He further stated that he hoped the digital divide issue could be addressed in a timely manner.
- Joseph Dennis stated that he was Chairman of the Citizens' Action Council which has been in operation for 13 years. The organization's mission is to improve neighborhoods and make a better quality of life for residents in the area. Residents have been trying to get a club closed that does not have one parking space for the business. An affidavit of opposition to the liquor license was also filed, but was unsuccessful. Dennis feels that he has received no assistance on the local level to get situations like these addressed and asked that legislation be drafted that would strengthen the ordinance and assist in protecting neighborhoods. Benjamin asked that an ordinance be developed that would address such concerns and dissolve the grandfather clause and City-Parish Attorney Pat Ottinger stated that he would meet with Dennis. CAO Dee Stanley added that President Durel had previously forwarded a letter to the State requesting that changes be made to this legislation. Benjamin further requested that an ordinance be drafted that would require that these clubs and buildings meet Metrocode Standards. Conque stated that the Planning & Zoning Liaison Committee has scheduled a meeting and requested that Clerk Norma Dugas request that this issue be placed on the agenda.
- Andy Hebert addressed the Council with reference to taxation and representation. He expressed concern that he was not given separate time to speak on his property tax as a city resident and as a parish resident. Chair Menard explained that everyone who signed in to address the Council was given time to speak on this issue.
- Bill Leblanc stated that he represented a group of concerned citizens who opposed the Fiber-to-home project and the group felt that the issue should be placed on the ballot to allow people to vote on whether LUS should provide those services. A petition will be circulated to acquire the necessary signatures in an attempt to place this issue on the ballot.
- George Bentley requested that a police oversight committee be considered and added that he first addressed the Council regarding this matter in November of 2003. He gave an overview of

an incident that occurred where the Police Department retrieved personal items from him and has not returned the items. Bentley then provided Council Chair Randy Menard with documents detailing the incident. In closing, he requested that his personal belongings be returned. Menard requested that the Council staff provide a copy of the documents to Councilmembers.

ADJOURN

There being no further business to come before the Lafayette City-Parish Council, Chair Menard declared the meeting adjourned.

/s/ Norma A. Dugas, Clerk
Lafayette City-Parish Council